

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILLARD WAYNE BAKER,

Plaintiff,

v.

DR. SHAHBAZIAN,

Defendant.

Case No. 1:24-cv-01279 HBK

ORDER GRANTING DEFENDANT'S
MOTION FOR EXTENSION OF TIME

(Doc. No. 17)

FEBRUARY 18, 2025 DEADLINE

Pending before the Court is Defendant Shahbazian's motion for a 14-day extension of the deadline to file a responsive pleading to the operative complaint filed on February 3, 2025. (Doc. No. 17, "Motion").¹ Federal Rule of Civil Procedure 6(b) provides for extending deadlines for good cause shown, if the request to extend time is made before the existing deadline. Defendant's current deadline to file a responsive pleading to the operative complaint is February 3, 2025. The Court finds shown good cause to grant the Motion.

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¹ The Motion seeks an extension to the deadline to file a responsive pleading but is labeled as seeking an extension of time to file a waiver of service of process. Defendant timely filed a notice of waiver of service on January 6, 2025. (Doc. No. 16). A motion's "nomenclature is not controlling." *Miller v. Transamerican Press, Inc.*, 709 F.2d 524, 527 (9th Cir. 1983) (quoting *Sea Ranch Ass'n v. Cal. Coastal Zone Conservation Comm'ns*, 537 F.2d 1058, 1061 (9th Cir. 1976)). Instead, we "construe [the motion], however styled, to be the type proper for the relief requested." *Id.*

Accordingly, it is hereby ORDERED:

1. Defendant's Motion (Doc. No. 17) is GRANTED.
2. Defendant shall file a response to the operative pleading no later than February 18, 2025.²

Dated: February 4, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

² Defendant requested a February 17, 2025 deadline but the Court does not set deadlines on Federal holidays or non-business days.